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**FACSIMILE COVER SHEET**THIS MESSAGE HAS 12 PAGES INCLUDING THIS SHEETTO: Mail Stop AF -- Commissioner for Patents -- U.S. Patent OfficeFAX NO.: (703) 872-9306FROM: Kin-Wah TongDATE: March 14, 2005MATTER: Serial No. 09/778,254 Filed: 2/7/01DOCKET NO.: ATT/ 2000-0192APPLICANT: Cimini Jr.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☐ Petition  
☐ Disclosure Statement & PTO-1449  
☐ Priority Document  
☐ Drawings (\_\_\_\_ sheets) informal  
☒ Response to Final Office Action

☒ Transmittal Letter (2 copies)  
☒ Fee Transmittal (2 copies)  
☒ Deposit Account Transaction  
☒ Facsimile Transmission Certificate  
dated March 14, 2005

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

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Kathleen Faughnan  
Name of person signing this certificate

Kathleen Shinn 3/14/05  
Signature and date

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PTO/SB/21 (09-04)

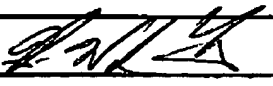
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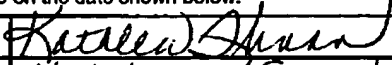
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|   |                        |               |
|---|------------------------|---------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 09/778,254    |
|   | Filing Date            | 2/7/01        |
|   | First Named Inventor   | Cimini Jr.    |
|   | Art Unit               | 2662          |
|   | Examiner Name          | John Pezzlo   |
| Total Number of Pages in This Submission  | Attorney Docket Number | ATT 2000-0192 |

| ENCLOSURES (check all that apply)  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Certificate of Facsimile |
| <b>Remarks</b><br><br>   |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm                                       | Moser, Patterson & Sheridan LLP   |          |        |
| Signature                                  |  |          |        |
| Printed Name                               | Kin-Wah Tong  |          |        |
| Date                                       | 3/14/05   | Reg. No. | 39,400 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |                |
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| Signature   |  |      |                |
| Typed or printed name   | Kathleen Faughnan   | Date | March 14, 2005 |

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348283-1

PTO/SB/21 (09-04)


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|   |                        |               |
|---|------------------------|---------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 09/778,254    |
|   | Filing Date            | 2/7/01        |
|   | First Named Inventor   | Cimini Jr.    |
|   | Art Unit               | 2662          |
|   | Examiner Name          | John Pezzlo   |
| Total Number of Pages in This Submission  | Attorney Docket Number | ATT 2000-0192 |

| ENCLOSURES (check all that apply)   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Certificate of Facsimile |
| Remarks   |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm                                       | Moser, Patterson & Sheridan LLP   |          |        |
| Signature                                  |  |          |        |
| Printed Name                               | Kin-Wah Tong  |          |        |
| Date                                       | 3/14/05   | Reg. No. | 39,400 |

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| Signature   |  |      |                |
| Typed or printed name   | Kathleen Faughnan   | Date | March 14, 2005 |

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348283-1

PTO/SB/17 (12-04v2)

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|---|--|----------------------|---------------|
| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). |  | Complete if Known    |               |
| <b>FEE TRANSMITTAL<br/>for FY 2005</b>  |  | Application Number   | 09/778,254    |
|   |  | Filing Date          | 2/7/01        |
|   |  | First Named Inventor | Cimini Jr.    |
|   |  | Examiner Name        | John Pezzio   |
|   |  | Art Unit             | 2882          |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27                      |  | Attorney Docket No.  | ATT/2000-0192 |
| <b>TOTAL AMOUNT OF PAYMENT</b> (\$ ) 600.00   |  |                      |               |

**METHOD OF PAYMENT** (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 20-0782 Deposit Account Name: Moser, Patterson & Sheridan LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   | _____          |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    | _____          |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    | _____          |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   | _____          |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     | _____          |

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

Total Claims

11

-20 or HP=

0

x

0

=

0

Multiple Dependent Claims

360

180

Extra Claims

6

-3 or HP=

3

x

200

=

600.00

Indep. Claims

6

-3 or HP=

3

x

200

=

600.00

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.18(s).


| Total Sheets | Extra Sheets  | Number of each additional 50 or fraction thereof | Fee (\$)                       | Fee Paid (\$) |
|--------------|---------------|--|--------------------------------|---------------|
| _____        | - 100 = _____ | / 50 = _____                                     | (round up to a whole number) x | = _____       |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : \_\_\_\_\_

**SUBMITTED BY**

|                   |   |                                      |                |           |                |
|-------------------|---|--------------------------------------|----------------|-----------|----------------|
| Signature         |  | Registration No.<br>(Attorney/Agent) | 39,400         | Telephone | (732) 530-9404 |
| Name (Print/Type) | Kin-Wah Tong  | Date                                 | March 14, 2005 |           |                |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|---|--|----------------------|---------------|
| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).   |  | Complete if Known    |               |
| <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">for FY 2005</h3> |  | Application Number   | 09/778,254    |
|   |  | Filing Date          | 2/7/01        |
|   |  | First Named Inventor | Cimini Jr.    |
|   |  | Examiner Name        | John Pezzlo   |
|   |  | Art Unit             | 2662          |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27                        |  | Attorney Docket No.  | ATT/2000-0192 |
| <b>TOTAL AMOUNT OF PAYMENT</b>  |  | (\$) 600.00          |               |

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 20-0782 Deposit Account Name: Moser, Patterson & Sheridan LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   | _____          |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    | _____          |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    | _____          |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   | _____          |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     | _____          |

**2. EXCESS CLAIM FEES**

| Fee Description  | Fee (\$)            | Small Entity Fee (\$) |
|--|---------------------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50                  | 25                    |
| Each independent claim over 3 (including Reissues)                     | 200                 | 100                   |
| Multiple dependent claims  | 360                 | 180                   |
| <b>Total Claims</b>  | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| 11   | -20 or HP= 0        | x 0 = 0               |
| HP = highest number of total claims paid for, if greater than 20.      |                     |                       |
| <b>Indep. Claims</b>   | <b>Extra Claims</b> | <b>Fee (\$)</b>       |
| 6  | - 3 or HP= 3        | x 200 = 600.00        |
| HP = highest number of independent claims paid for, if greater than 3. |                     |                       |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).


| Total Sheets | Extra Sheets  | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|---------------|--|----------|---------------|
| _____        | - 100 = _____ | / 50 = _____ (round up to a whole number) x      |          |               |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : \_\_\_\_\_

**SUBMITTED BY**

|                   |   |                                      |                |           |                |
|-------------------|---|--------------------------------------|----------------|-----------|----------------|
| Signature         |  | Registration No.<br>(Attorney/Agent) | 39,400         | Telephone | (732) 530-9404 |
| Name (Print/Type) | Kin-Wah Tong  | Date                                 | March 14, 2005 |           |                |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. There will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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348285-1

PATENT

Atty. Dkt. No. ATT 2000-0192

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Cimini et al.

Serial No.: 09/778,254

Confirmation No.: 6370

Filed: February 7, 2001

For: OFDM Communication  
System and Method Having  
a Reduced Peak-to-  
Average Power Ratio

Group Art Unit: 2662


Examiner: J. Pezzlo

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| I hereby certify that this correspondence is being facsimile<br>transmitted on <u>3/14/05</u> to the U.S. Patent and<br>Trademark Office to fax no. 703-872-9306 |   |
| <u>3/14/05</u><br>Date   | <br>Signature |

## RESPONSE TO FINAL OFFICE ACTION JANUARY 14, 2005

In response to the Final Office Action dated January 14, 2005, having a shortened statutory period for response set to expire on April 14, 2005, please enter this response and reconsider the claims pending in the application for reasons discussed below. Although the Applicants do not believe any additional fees are due in connection with this response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782 for any fees, including extension of time fees, required to make this response timely and acceptable to the Office.

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